

FILEDU. S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

UNITED STATES DISTRICT COURT

OCT 13 2020

for the

EASTERN District of ARKANSAS**JAMES W. McCORMACK, CLERK**
By: SW

DEP CLERK

Division

) Case No. 4:20-cv-1218-DPM
) *(to be filled in by the Clerk's Office)*

ARTHUR CARSON

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

WANDA C. MERRIT, HUD Regional Director

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

This case assigned to District Judge Marshall
 and to Magistrate Judge Deere

COMPLAINT AND REQUEST FOR INJUNCTION**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address

ARTHUR CARSON
10434 W. 36th St. # 10-B
LITTLE ROCK - PULASKI COUNTY
AR. 72204
501-240-3437
ARTCARSON67@GMAIL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

WANDA C. Merritt
 Director/Regional
 405 CAPITOL Ave # 100
 Little ROCK, AR. 72201 /PULASKI County
 72201
 501-918-5700

Defendant No. 2

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

THE CORPORATION, dba/ENVOLVE
 MANAGEMENT COMPANY
 300 Spring St. # 900
 Little ROCK, /PULASKI
 AR. 72201

Defendant No. 3

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

T. HUBBARD
 MANAGER OF THE COTTAGE APX.
 10434 W. 36th St.
 PULASKI COUNTY
 Little ROCK, AR. 72204
 501-725-5030

Defendant No. 4

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

Federal question

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C Sec.1983, 14th AMENDMENT
 42 U.S.C. 3617-3619, 26 U.S.C.A. 42(4)(b)(ii), 24 CFR, 100.400, 8 U.S.Code 1324(c).

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) ARTHUR CARSON, is a citizen of the
 State of (name) ARKANSAS.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
 under the laws of the State of (name) _____,
 and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) WANDA C. Merri, is a citizen of
 the State of (name) ARKANSAS. Or is a citizen of
 (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) The Corporation, is incorporated under the laws of the State of (name) ARKANSAS, and has its principal place of business in the State of (name) Little Rock. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$100,00.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

THE COTTAGE APARTMENTS, Little Rock, AR. THE MANAGER T. HUBBARD'S INTERFERENCE WITH ME AND MY CO-LESSOR'S HUD SUBSIDY; EVICTION BASED ON IMPERMISSIBLE, FALSE GROUNDS WITH ALTERED BUSINESS RECORDS; REFUSAL BY ALL DEFENDANT'S TO ENFORCE DUE PROCESS. (See Attached PAGE OF FACTS.)

B. What date and approximate time did the events giving rise to your claim(s) occur?

JUNE 11, 2020

SECTION III , CONTINUES:

On 6/02/2020, I Complained to Evolve over a Maintenance issue, and again

On 6/11/2020, a Complaint against the Manager, Ms.T. Hubbard, as Reprisal, refusal to submit
Me and My Co-Leasor, Jewellean Moore, Recertification for Rent subsidies.

As Continuing Retaliation, On 6/12//2020, Ms. Hubbard sent the Maintenance Man
To have Me come to the Office, where She presented a Altered, Fake Ledger indicating
\$862, were due as Back Rent, see Attached,(Ex. 1-). Another Written Complaint were
Made, and were sustained, that nothing Were owed, "By Evolve on 9/08/20, (Ex.2-)."

Evolve knew, and were on Notice of Ms. Hubbard's use of false Business Records
That were incorrect, and failed to discipline, or Terminate Her.

On 10/08/2020, seven days after paying Rent, and more than five attempts to *get A Receipt,*
Ms. Hubbard showed Me Her Computer screen of the Cottage Apartment
Ledger, and stated " \$526 . were due for back Rent." when I denied it, Ms.Hubbard
Told Me to "Get My Rent Payment, when I declined and walk out, She Screamed,
"Now call the Office about that". As a result, I Were Not given A Receipt .

No Written Notice or other Hud Procedures adhered. The constant fear of erroneous
Eviction has caused ~~Procedures~~Hud's Regional Office has failed to intervene, despite
Numerous emails, and letters regarding the Cottage Apartment lack of adhering to Law.

*Arthur Cason
10/12/2020*

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Michele CORTES, Regional Manager For The Cottage know of T. HUBBARD'S FALSIFICATION OF Business RECORDS. UNABLE TO ENJOY PEACE OR STABILITY DUE TO T. HUBBARD'S ACTIONS.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

BEING CONSTRUCTIVELY EVICTED AND HARASSED FOR COMPLAINT(S), WITH INTIMIDATED TACTICS, INTERFERENCE WITH MY ENJOYMENT OF HOUSING, AND ATTEMPTS TO COERCE ME TO TAKE BACK OCTOBER RENT, AND NEVER CASHING CHECK, REFUSAL TO PROVIDE A RECEIPT, WITH PERSUASIVE REPRISALS, AND REFUSALS TO RECERTIFY HOUSING BASED ON A FALSIFIED COTTAGE LEDGER, WHICH CONFLICTS WITH BUSINESS RECORDS OF EMPLOYEE, AND PRIOR RENT PAYMENTS.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

DECLARATORY JUDGMENT, PRELIMINARY INJUNCTION/TRO. MY RIGHT TO WRITTEN COMPLAINT, AS PER HUD POLICY, WERE CHILLED. WHILE MY HUD SUBSIDIES ARE BEING TRUNCATED, IN ADDITION TO CONSTRUCTIVE EVICTION BASED ON ALTERED BUSINESS RECORDS OF T. HUBBARD. JUDGMENT ORDERING COMPLIANCE WITH IRS REQUIREMENT IN SENIOR, DISABLED LOW INCOME HOUSING OF DUE PROCESS, I.E., "WRITTEN NOTICES" OF GROUNDS OF EVICTION.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/12/2020

Signature of Plaintiff



Printed Name of Plaintiff

**B. For Attorneys**

Date of signing: _____

Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Street Address



State and Zip Code



Telephone Number



E-mail Address



Resident Ledger (NON HAP)

Date: 06/12/2020

Code	t0223057	Property	cottages	Lease From	09/01/2019
Name	Arthur Carson	Unit	0010-B	Lease To	08/31/2020
Address	10434 W. 36th 0010-B	Status	Current	Move In	09/06/2018
		Rent	0.00	Move Out	
City	Little Rock, AR 72204	Phone (H)		Phone (W)	

Date	Chg Code	Description	Charge	Payment	Balance	Chg/Rec
10/23/2019	rent	:Posted by QuickTrans (rent)	106.00		106.00	<u>7489764</u>
10/23/2019	dep	:Posted by QuickTrans (dep)	440.00		546.00	<u>7490013</u>
10/23/2019		chk# :QuickTrans :Posted by QuickTrans		440.00	106.00	<u>5374378</u>
11/01/2019	rent	RENT 11/1/2019 to 11/30/2019	379.00		485.00	<u>7489228</u>
11/04/2019		chk# 8362		286.00	199.00	<u>5385867</u>
12/01/2019	rent	RENT 12/1/2019 to 12/31/2019	379.00		578.00	<u>7511972</u>
12/02/2019		chk# 3502		286.00	292.00	<u>5420862</u>
01/01/2020	rent	RENT 1/1/2020 to 1/31/2020	379.00		671.00	<u>7575765</u>
01/03/2020		chk# 0631		286.00	385.00	<u>5464800</u>
02/01/2020	rent	RENT 2/1/2020 to 2/29/2020	379.00		764.00	<u>7614233</u>
02/03/2020		chk# 0564		286.00	478.00	<u>5502387</u>
03/01/2020	rent	RENT 3/1/2020 to 3/31/2020	379.00		857.00	<u>7688062</u>
03/06/2020		chk# 5245		286.00	571.00	<u>5564067</u>
04/01/2020	rent	RENT 4/1/2020 to 4/30/2020	379.00		950.00	<u>7745504</u>
04/02/2020		chk# 1030		286.00	664.00	<u>5583790</u>
04/09/2020	rent	RENT Adj AR, 04/01/2020 to 04/30/2020	(379.00)		285.00	<u>7798271</u>
04/09/2020	rent	RENT Adj GR, 04/01/2020 to 04/30/2020	383.00		668.00	<u>7798273</u>
05/01/2020	rent	RENT 5/1/2020 to 5/31/2020	383.00		1,051.00	<u>7798275</u>
05/01/2020		chk# 1044		286.00	765.00	<u>5626810</u>
06/01/2020	rent	RENT 6/1/2020 to 6/30/2020	383.00		1,148.00	<u>7833574</u>
06/08/2020		chk# mo#19118180429		286.00	862.00	<u>5698917</u>
07/01/2020	rent	RENT 7/1/2020 to 7/31/2020	383.00		1,245.00	<u>7913508</u>

" Exhibit #(i) "

ENVOLVE

The Cottages Apartments
10434 West 36 Street
Little Rock, AR 71002

July 20, 2020

Dear Mr. Arthur Carson,

We're in receipt of your letter regarding concerns of your recent recertification paperwork, back rent and maintenance issues.

We would like to provide a response to each of those concerns below:

- 1) Your recertification is due by 9/1/2020. Per your letter you and your co-head have started this process by providing required documents. We will reach out to the manager to ensure that any original documents that you or your household supplied is returned timely.
- 2) We can provide a rent receipt to you each month once your payment has been posted.
- 3) Regarding your past rent we do apologize for any misunderstanding. Your ledger has been corrected.
- 4) We've completed a work order for your maintenance concerns and will ask our maintenance supervisor to address these.

We hope the above responses have adequately addressed all of your concerns. If you would need anything further, please feel free to contact me at 334-954-4458.

Thank you,

Michele Cortes
Regional Manager for The Cottages

Ex-#(2)